

Attached hereto is a marked-up version of the changes made to the abstract and claims by the current amendment. The attached pages are captioned “Version With Markings To Show Changes Made.”

Applicant notes with appreciation the allowance of the subject matter in claims 4-5. For reasons set forth below, Applicant believes that all pending claims 1 and 3-7 are allowable.

Claims 1-3 and 6 stand rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,359,572 to Vale. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation of the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). If even one limitation is missing from the reference, then it does anticipate the claim. *Kloster Speedsteel AB v Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Vale fails to satisfy this rigorous burden.

Vale describes a Soft Input Panel (SIP) type of keyboard that includes a dynamic key which changes its meaning in appearance in response to a predicted need of a user. Characters are provided to a prediction engine 76 which returns a prediction comprising a likely the character, such as a punctuation symbol. The meaning and appearance of the dynamic key may change based on the prediction. In this way, a user may enter different types of data using a relatively small number of fixed keys.

Vale fails to disclose a number of features recited in independent claim 1. For example, claim 1 recites a *hierarchical* menu system that includes

a plurality of menus, including top-level menus and sub-level menus,
and a plurality of menu items under respective menus.

The only menu that appears to be described by Vale is the single pop-up input method list 72 shown in the soft input panel window 50 in Fig. 6. When the SIP menu button 70 on the task bar 56 is selected. The single method list 72 associated with the set menu button 70 is not a hierarchical menu system because there is only one menu. The claimed hierarchical menu system includes a plurality of menus with both plural top-level menus and plural sub-

level menus. Each menu includes plural menu items. Accordingly, the claimed hierarchical menu system is missing in Vale.

In addition, claim 1 includes a dynamic menu, the contents of which may be modified by the user, "wherein the dynamic menu is either a top-level menu or a sub-level menu in the hierarchical level menu system." The displayed keyboard as shown for example in Fig. 7 is not a top-level menu or a sub-level menu in a hierarchical menu system. Indeed, the soft keyboard is not even a menu in the sense understood by those skilled in this art.

The dynamic key, whose predicted meaning can change, is not a menu item. It certainly is not "a menu item associated with a function for modifying a number of available dynamic menu items for controlling the functionality of the apparatus." As explained by Vale, the keyboard has "a fixed number of keys" (see abstract), and therefore, it would not have been obvious for a skilled person to modify a fixed number of keys in Vale--let alone a number of available menu items. Furthermore, in Vale, it is the system that is responsible for changing the meaning and appearance of one of the dynamic key in response to "a user's predicted need therefore." In the hierarchical menu system of claim 1, a user is responsible for modifying the number of available dynamic menu items.

Lacking so many features of independent claim 1, the rejections based upon Vale should be withdrawn.


For the reasons set forth above, Applicant respectfully submits that the present application is now in condition for allowance. An early notice to that effect is earnestly solicited.

ÅBERG
Serial No. 09/523,984

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


John R. Lastova
Reg. No. 33,149

JRL:lrh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE ABSTRACT:

A portable communication apparatus, such as a mobile telephone, has a display [(6)], a user-controlled input device [(7)], a memory [(30)], a controller, [(20)] and a hierarchical menu system stored in the memory. The menu system has a plurality of menus, including top-level menus [(100, 200, 300)], sub-level menus [(110, 120, 130, 140, 210, 310, 400)], and a plurality of menu items [(111-116, 121-123, 131-133, 141-144, 211-217, 311-313, 401-406)] under respective menus. The controller is arranged to present individual menus/ menu items on the display, receive selection commands from a user through the user-controlled input device and in response perform functions related to the presented menus/ menu items. The memory of the apparatus has a dynamic menu [(300, 310)], the contents of which may be modified by the user. The dynamic menu [(300, 310)] is either a top-level menu or a sub-level menu in the hierarchical menu system.

[To be published together with FIG 3.]

IN THE CLAIMS:

1. (*Twice Amended*) A portable communication apparatus having a display, a user-controlled input device, a memory, a controller and a hierarchical menu system stored in the memory, the [men] menu system comprising a plurality of menus, including top-level menus and sub-level menus, and a plurality of menu items under respective menus, the controller being arranged to present individual menus[/] with menu items on the display, receive selection commands from a user through the user-controlled input device, and in response, perform functions related to the presented menus[/] and menu items, the memory of the apparatus further [comprising] including a dynamic menu, the contents of which may be modified by the user, wherein the dynamic menu is either a top-level menu or a sub-level menu in the hierarchical menu system[.] and includes a menu item associated with a function

for modifying a number of available dynamic menu items for controlling the functionality of the apparatus.

3. (*Twice Amended*) A portable communication apparatus as in claim [2] 1, wherein the controller is arranged, when providing said function for modifying the dynamic menu, to present a list of available menu items on the display, the list comprising menu items from other menus than the dynamic menu, to accept a selection command through the user-controlled input device and in response add a selected menu item to the dynamic menu.

4. (*Twice Amended*) A portable communication apparatus as in claim [2] 1, wherein the controller is arranged, when providing said function for modifying the dynamic menu, to present a list of menu items on the display, the list comprising menu items already located in the dynamic menu, to accept a selection command through the user-controlled input device and in response delete a selected menu item from the dynamic menu.

5. (*Twice Amended*) A portable communication apparatus as in claim [2] 1, wherein the controller is arranged, when providing said function for modifying the dynamic menu, to provide a function for allowing a user to decide a sequential position of any menu item of the dynamic menu.